



PUBLIC NOTICE

Federal Communications Commission
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DA 15-691
June 11, 2015

**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON AT&T REQUEST
FOR WAIVER TO PERMIT POWER SPECTRAL DENSITY MODEL FOR 800 MHz
CELLULAR OPERATIONS IN SEVEN KANSAS MARKETS**

WT Docket No. 15-130

Comments Due: July 1, 2015

Reply Comments Due: July 13, 2015

On June 5, 2015, AT&T Services, Inc., on behalf of AT&T, Inc. and its subsidiaries (“AT&T”), filed a request¹ for a limited waiver of Section 22.913 of the Commission’s rules² to permit the use of Power Spectral Density (“PSD”) measurements in complying with the Commission’s radiated power limits for certain Cellular Radiotelephone (“Cellular”) Service operations in seven Kansas Cellular Market Areas (“CMAs”) licensed on Block A,³ pending the outcome of the ongoing rulemaking proceeding to modify the rule.⁴ AT&T specifically proposes a PSD limit of 250 watts/MHz in non-rural areas and 500 watts/MHz in rural areas,⁵ and includes a study that purports to show that implementing PSD-based power limits in the Cellular Service would not cause harmful interference to public safety deployments.⁶

¹ AT&T Services, Inc., Petition for Waiver for Licenses in Kansas (filed June 5, 2015) (“Kansas Waiver Request”). A technical study, dated Nov. 19, 2014, is attached to the Kansas Waiver Request as Appendix B.

² 47 C.F.R. § 22.913.

³ CMA 434 (License KNKN465); CMA 433 (License KNKN469); CMA 429 (License KNKN514); CMA 428 (License KNKN516); CMA 438 (License KNKN518); CMA 439 (License KNKN741); and CMA 440 (License KNKQ376).

⁴ See Amendment of Parts 1 and 22 of the Commission’s Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Area (other captions omitted), *Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 12-40, RM Nos. 11510 and 11660, 29 FCC Rcd 14100 (2014).

⁵ AT&T provides a list of the main counties comprising the Cellular Geographic Service Area (“CGSA”) for each of these seven licenses. See Kansas Waiver Request, Appendix A. AT&T states that the main counties comprising the CGSA for each license are rural. See *id.* at n.4. AT&T states that the waiver “should apply to all base stations providing service in the [CGSA] for each license, including minor extensions into CMAs and counties adjacent to those listed” See *id.* at n.24.

⁶ See *id.* at 6-7 (citing to its technical study provided at Appendix B).

By this Public Notice, we seek public comment on the Kansas Waiver Request, particularly with respect to any potential adverse impact on public safety operations in the adjacent bands and neighboring Cellular licensees to the aforementioned seven licenses.

Procedural Matters

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System ("ECFS"). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁷ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to

⁷ See 47 C.F.R. §§ 1.1200(a), 1.1206.

such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).

In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, contact Ms. Becky Schwartz of the Mobility Division, Wireless Telecommunications Bureau, at (202) 418-7178 or via e-mail at becky.schwartz@fcc.gov; or Mr. J. Ryan Thompson of the Mobility Division, Wireless Telecommunications Bureau, at (202) 418-7531 or via e-mail at james.thompson@fcc.gov.

Action by the Chief, Mobility Division, Wireless Telecommunications Bureau.

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